

E-Filed 2/9/11

1 **JOINTLY SUBMITTED**

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11 IN THE UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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14 AMERICAN GUARANTEE AND)
LIABILITY INSURANCE COMPANY)

15 Plaintiff,

16 vs.

17 LEXINGTON INSURANCE COMPANY)

18 Defendants.)

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CASE NO.: 3:10-CV-03009-RS

**STIPULATION AND ~~PROPOSED~~
ORDER TO RESET THE DISCOVERY
CUT-OFF DEADLINE OF FEBRUARY
28, 2011 MARCH 31, 2011**

20 **STIPULATION**

21 IT IS HEREBY STIPULATED by and between the parties that the date of the non-expert

22 discovery cut-off be extended from February 28, 2011 to March 31, 2011 for the limited purpose

23 of completing all currently pending and timely noticed depositions. The extension shall not

24 include an extension on written discovery or on the issuance of subpoenas. The parties jointly

25 request that the Court so modify the existing Scheduling Order in this matter [*Document 19*].

26 This request is made on the grounds that the parties anticipate this Court's rulings on the

27 pending cross motions for summary judgment scheduled for March 3, 2011 will narrow the scope

28 of the issues that need to be addressed by further discovery. This discovery will include

1 coordinating the depositions of several witnesses, including out of state witnesses.

2 The granting of this request will not effect the implementation of any other deadlines in
3 this Court's Scheduling Order.

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5 DATED this 8th day of February, 2011

6 **MORALES, FIERRO & REEVES**

**HAYES SCOTT BONINO
ELLINGSON & McLAY, LLP**

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8 By: /s/ Curtis R. Ogilvie
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10 Attorneys for Plaintiff, American
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Attorneys for Defendant,
Lexington Ins. Co.

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12 **ORDER**

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14 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

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17 DATE: 2/8/11



Hon. Richard Seeborg
UNITED STATES DISTRICT JUDGE